

**IN THE UNITED STATES DISTRICT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
v.) **Case No. 2:08-CR-20272-01**
)
RICKEY GROVES,)
)
Defendant.)

**ORDER ADOPTING THE MAGISTRATE'S REPORT AND RECOMMENDATION
DENYING DEFENDANT'S MOTION TO SUPPRESS**

Before the Court is defendant's motion filed on July 12, 2012, to suppress eyewitness identification. DE [204] The motion was referred by the Court to the Magistrate Judge for a report and recommendation. After an evidentiary hearing, the Magistrate Judge issued a report and recommendation on September 5, 2012, that the motion to suppress eyewitness identification be denied. DE [214] On September 11, 2012, the defendant filed objections to the Magistrate's report and recommendation wherein a hearing before this Court was requested. DE [215] A response was filed by government on September 11, 2012. DE [216]

The Court has conducted a *de novo* review of the defendant's motion to suppress, the government's response, and the Magistrate Judge's report and recommendation. The Court further reviewed the defendant's objections to the Magistrate Judge's report, and the government's responses to the defendant's objections. Finally, the Court has also reviewed the transcript of the testimony.

For good cause shown, the Court adopts the Magistrate Judge's report and recommendation that the defendant's motion to suppress eyewitness identification evidence be DENIED. The defendant's request for a hearing on the Magistrate Judge's report and recommendation is also DENIED.

IT IS SO ORDERED this 21st day of September 2012.

s/John T. Fowlkes, Jr.
JOHN T. FOWLKES, JR.
UNITED STATES DISTRICT JUDGE